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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,499	12/22/2000	Ralph L. Anderson	03768/9323 (14586)	1378

7590 06/25/2004  
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EXAMINER

VENKAT, JYOTHSNA A

ART UNIT PAPER NUMBER

1615

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/745,499

**Applicant(s)**

ANDERSON ET AL.

**Examiner**

JYOTHSNA A VENKAT

**Art Unit**

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-26,28 and 30-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-26, 28 and 30-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

Receipt is acknowledged of amendment filed on 4/14/04. Claims 2, 5, 27, 29 are cancelled.

Claims 1, 3-4, 6-26, 28, and 30-42 are pending in the application, and the status of the application is as follows:

The following new ground of rejection is necessitated by the amendment.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-4, 6-26, 28, and 30-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **This is new matter rejection.**

3. There is no support in the specification for “the **cross-linked polymer** is at least one compound selected from the group consisting of “ acrylates, styrene butadiene, vinylchloride, methacrylates, acrylics, carboxylated acrylic latexes, vinyl acetate and mixtures there of”. The support in the specification is as follows at paragraph bridging pages 20-21 and the second paragraph at page 21.

4. *In some embodiments of the present invention, the polymer may also be a polymer that becomes cross-linked when dried. A cross-linked polymer can provide increased wet strength to*

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*the base web and can aid in controlling the release time of an anti-microbial agent contained within the formulation. For example, in one embodiment, a **liquid latex adhesive** capable of becoming **cross-linked** can be utilized within the polymer mixture. In this embodiment, cross-linking the latex adhesive can provide control over the water absorbency of the wiper, which can be used to effectively control the amount of the anti-microbial agent released when the wiper is contacting by a liquid during wiping. Specifically, by reducing the amount of retained liquid after each rinse cycle, the amount of anti-microbial agent released from the wiper after each rinse cycle is also reduced. In one embodiment of the present invention, the cross-linkable adhesive can be styrene butadiene. In an alternative embodiment, the adhesive can comprise a polyethylene vinyl acetate) copolymer.*

*In some embodiments, a cross-linking agent or catalyst can be added to the polymer mixture to aid in cross-linking the polymer. By varying the amount of cross-linking agent or catalyst utilized, the degree of cross-linking can vary, and thus, the control over release of the anti-microbial agent can be further enhanced. For example, in one embodiment, a **polyethylene vinyl acetate copolymer can be cross-linked with N-methyl acrylamide groups** using an acid catalyst. Suitable acid catalysts include ammonium chloride, citric acid, maleic acid, and aziridine catalysts. The carboxylated acrylics are one example of cross-linkable adhesives.*

Thus the support is for one cross-linked polymer, which is actually a copolymer. The specification does not define the specific latex adhesive that can be cross-linked. The examples in the specification are drawn to, the adhesive which comprise a carboxylated acrylic, such as a HYCAR@- brand acrylic carboxylated latex (available from B. F. Goodrich Co.). **Is this cross-**

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**linked? Is this a polymer mixture? In order to complete the record applicants are requested to provide the examiner detailed explanation.**

Additionally the polymers recited in the Markush format are not polymers but monomers. the specification does not define “acrylics, acrylates, methacrylates”. The term “acrylates” can be methacrylate, ethacrylate, etc. When the monomer is polymerized it is homopolymers, when the monomer is co polymerized with another monomer, then it is a copolymer. Therefore from a fair review of the specification it is the examiners position that the support in the specification for cross-linked polymer is one compound namely *polyethylene vinyl acetate copolymer can be cross-linked with N-methyl acrylamide groups*. The Markush group recites, “mixtures there of”. Mixtures can be homopolymers or copolymers formed from two monomers. The only support in the specification is for *polyethylene vinyl acetate copolymer*. Therefore the amended expression is new matter.

There is no support in the specification for cross-linked polymer being “carboxylated acrylic adhesive”. The support in the specification is for “liquid latex capable of cross-linked”. Support for the genus is not a support for the specific species (claims 3 and 28).

5. Claims 1, 24, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The polymer recited in the Markush group are not polymers, but drawn to monomers. Detailed explanation is requested with respect to the monomers being polymers.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

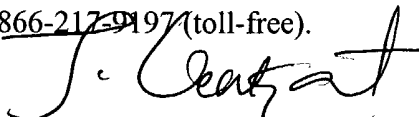
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JYOTHSNA A VENKAT whose telephone number is 571-272-0607. The examiner can normally be reached on Monday-Thursday, 9:30-7:30:1st and 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THURMAN K PAGE can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JYOTHSNA A VENKAT  
Primary Examiner  
Art Unit 1615

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